

of Congress today and all the House and Senate office buildings imploring Members of Congress to vote to support the People's Republic of China, to support most favored nation status trading privileges for China.

Wei Jing Sheng, a Chinese dissident, said the vanguard of the Chinese Communist Party revolution in the United States is America's most prominent and prestigious CEOs.

There are more corporate jets at National Airport today, leading up to the MFN vote, the most favored nation status, trading privileges for China vote, than at any time during the year. Corporations understand. They tell us that China has 1.2 billion potential consumers, that America needs to sell to them. What they really mean to say is China has 1.2 billion workers, investments made from American companies, in China, people making 13 cents and 15 cents and 20 cents an hour, working 60 and 70 and 75 hours a week, selling products back to the United States, exploiting Chinese workers and costing American jobs.

Most favored nation status privilege is permanent. MTR for China is a bad idea. I ask this Congress to defeat it.

**COMMUNICATION FROM DISTRICT DIRECTOR OF HON. ROGER F. WICKER, MEMBER OF CONGRESS**

The SPEAKER pro tempore laid before the House the following communication from Harold Lollar, Jr., District Director of the Honorable ROGER F. WICKER, Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, April 27, 2000.

Hon. DENNIS J. HASTERT,  
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil trial subpoena for testimony issued by the U.S. District Court for the Northern District of Mississippi.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

HAROLD LOLLAR, Jr.,  
District Director.

**COMMUNICATION FROM HON. SAM FARR, MEMBER OF CONGRESS**

The SPEAKER pro tempore laid before the House the following communication from the Honorable SAM FARR, Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 1, 2000.

Hon. DENNIS J. HASTERT,  
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that the

Custodian of Records in my office, the Office of Representative Sam Farr, has been served with a subpoena for production of documents issued by the United States District Court for the Northern District of California.

After consultation with the Office of General Counsel, we will make the determinations required by Rule VIII.

Sincerely,

SAM FARR,  
Member of Congress.

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**PATIENTS' BILL OF RIGHTS: IS IT NECESSARY LEGISLATION?**

The SPEAKER pro tempore (Mr. MILLER of Florida). Under a previous order of the House, the gentleman from Florida (Mr. STEARNS) is recognized for 5 minutes.

Mr. STEARNS. Mr. Speaker, I am here this afternoon to talk about the Patients' Bill of Rights. Is this legislation necessary? The issue of whether or not Americans enrolled in HMOs, health maintenance organizations, need passage of the patient protection in order to sue their plans is currently in conference here in Congress.

Today, I would like to call my colleagues' attention to a study by John S. Hoff. Mr. Hoff wrote this study for the Heritage Foundation, and he outlined some very compelling arguments about why passage of this legislation would result in more government control of our health care system.

It is interesting that we are having this debate, because, Mr. Speaker, I think the majority of Americans already made clear their views on more regulation for health care when the Clinton health care bill was overwhelmingly rejected.

The Heritage Foundation Backgrounder N1350 concludes that increased regulation, plus increased litigation will equal rising costs in health care and, ultimately, more uninsured Americans. The gentleman from Iowa (Mr. GANSKE), my good friend and colleague, has been very critical of this study and did a Special Order to refute the analysis of this health bill. I am not here to comment on his presentation; but my purpose is, more importantly, to talk about Mr. Hoff's analysis and why Mr. Hoff's analysis, I think, has credible evidence. So I am here to merely present the other side of the argument that opposes imposing further Federal Government regulations on health care plans and delivery of health care.

So according to Mr. Hoff, let us take each of the major items. He believes the Patients' Bill of Rights, in conference as we speak, increases regulation. If passed, it would impose detailed regulations by the Federal Government on health care plans and the delivery of health care. The question is, does anyone in this House think passing more government legislation will decrease the Government's in-

volvement? In fact, I think most of us, every time we pass legislation that is going to increase government involvement, there is going to be more regulation. I think the regulation, as Mr. Hoff pointed out, is pervasive in this bill.

For example, private health plans normally evaluate medical services, treatments and procedures. Under the Patients' Bill of Rights, however, managed care plans and fee-for-service plans are allowed to conduct such utilization reviews only, only as specified by the Federal Government. The time allotted for a decision and the status of those making a decision are two examples of such specifications. Further regulation involves an appeals process for denial of coverage. The proposed legislation requires an internal appeals process that follows precise, regulatory details on each and every procedure.

It further requires a provision of external appeals of decisions made in the internal appeals process. The external appeal requires that the plan contract with an entity that is directly or indirectly certified by the Department of Health and Human Services, or the Department of Labor. So there we have it. We have both of these large agencies involved in conducting the reviews. I think this arrangement can lead to a situation in which the final determination of what is covered by a plan is made by an entity certified, regulated, and answerable only to the United States Government.

Mr. Speaker, the proposed legislation also leads to Federal intrusion into the physician-plan relationship. Under the Patients' Bill of Rights, provisions of contracts between plans and health care providers are void if they restrict or have the effect of restricting the provider's ability to advise a patient about their health status or medical treatment. The legislation further intrudes by precluding a plan from discriminating with respect to participation by providers or in payment to them on the basis of license or certification under State law.

Let us take another item. I mentioned earlier increased litigation. In addition to the increased burdens of regulation, this Patients' Bill of Rights in conference is talking about increased litigation. Each of the many regulations contemplated by the legislation will create legal rights that could be causes of action.

In addition to an increasing number of actions that plans may be liable, the legislation opens up employers themselves to the possibility of being sued for damages resulting from denial of coverage. While the bill purports to protect employers if they refrain from the exercise of discretionary authority to make a decision on a claim for benefits, courts have been willing and creative in finding ways around similar provisions.

Defenders of the legislation point to provisions which limit litigation. These provisions,